

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ANDREW MASSARELLI and MICHELLE)
MASSARELLI,)
Plaintiffs,)
v.) Civil Action No. 05-266-KAJ
UNITED STATES OF AMERICA,)
Defendant and)
Third-Party Plaintiff,)
v.)
JEFFREY McCARTHY,)
Third-Party Defendant.)

ORDER

At Wilmington, this 17th day of May, 2006,

Defendant, the United States filed a motion to dismiss Count V of plaintiffs' complaint (D.I. 5), and there being no opposition to the motion,

IT IS HEREBY ORDERED that the motion is GRANTED.



UNITED STATES DISTRICT JUDGE